

AMENDED IN ASSEMBLY MAY 23, 1996
AMENDED IN ASSEMBLY SEPTEMBER 1, 1995
AMENDED IN ASSEMBLY AUGUST 21, 1995
AMENDED IN ASSEMBLY JULY 7, 1995
AMENDED IN SENATE MAY 31, 1995
AMENDED IN SENATE MAY 11, 1995
AMENDED IN SENATE APRIL 26, 1995
AMENDED IN SENATE APRIL 19, 1995
AMENDED IN SENATE MARCH 21, 1995
AMENDED IN SENATE FEBRUARY 27, 1995

SENATE BILL

No. 357

Introduced by Senator Polanco
(Coauthor: Assembly Member Villaraigosa)

February 10, 1995

~~An act to amend Sections 12071, 12072, and 12080 of, and to add Section 12004 to, the Penal Code, and to amend Section 8101 of the Welfare and Institutions Code, relating to firearms. An act to amend Sections 830.3 and 830.31 of the Penal Code, relating to peace officers and, making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 357, as amended, Polanco. ~~Firearms:—ammunition: possession: sale~~ Peace officers.

(1) Existing law provides that specified state employees, including, among others, employees of the Division of Investigation of the Department of Consumer Affairs, designated employees of the Department of Motor Vehicles, investigators of the State Departments of Health Services and Mental Health, and investigators of the office of the Controller, are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest.

This bill would provide that designated employees of the Franchise Tax Board are peace officers, provided that the primary duty of these peace officers is the enforcement of specified provisions of the Revenue and Taxation Code.

(2) Under existing law, a security officer of the Department of General Services of the City of Los Angeles designated by the general manager of the department is a peace officer, as specified. These peace officers may be authorized to carry firearms, with the approval of the mayor, when a local emergency has been proclaimed. The authorization to carry firearms continues only while the local emergency remains in effect.

This bill would provide instead that these peace officers are authorized to carry firearms only if authorized by, and under the terms and conditions specified by, the department.

(3) The Public Employees' Retirement Law provides increased benefits and higher contribution rates for peace officer/firefighter members than those provided for state miscellaneous members. The state's employer contributions to the Public Employees' Retirement Fund are appropriated from the General Fund and other funds in the state treasury.

Since this bill would provide that designated employees of the Franchise Tax Board are peace officers, thereby including these employees within the category of peace officer/firefighter members, it would make an appropriation from the General Fund by increasing the state's contributions to the Public Employees' Retirement Fund for these new state peace officer/firefighter members.

~~(1) Existing law prohibits any person, corporation, or firm from knowingly supplying, delivering, selling, or giving possession or control of a firearm to persons who have prior convictions for a felony, specified misdemeanors within a certain number of years, a domestic violence offense, or specified offenses subject to the juvenile court law, or to any person who purchases or receives, or attempts to purchase or receive, a firearm knowing that he or she is subject to a protective order, a temporary restraining order, or an injunction, or to any person who is receiving treatment for, or has been adjudicated by a court of any state to be a danger to others as a result of, a specified mental disorder or mental illness.~~

~~This bill would apply this prohibition to ammunition for a firearm.~~

~~The bill would make a number of related changes in connection with firearm offenses involving the use, sale, delivery, or loan of ammunition. The bill also would make a number of conforming changes.~~

~~This bill would exempt from specified waiting periods and licensing requirements any person, corporation, or firm that supplies, delivers, sells, or gives possession or control of ammunition to any person in order to supply, deliver, sell, or transfer that ammunition.~~

~~By expanding the scope of existing crimes, this bill would impose a state-mandated local program.~~

~~(2) Under existing law, a person licensed to sell or transfer firearms is required to offer to provide the purchaser or transferee of a firearm, or the person being loaned a firearm, with a copy of a pamphlet that summarizes state firearms laws.~~

~~This bill would make this requirement applicable to live ammunition.~~

~~(3) Existing law prohibits a person holding any of certain specified licenses to sell firearms from delivering a pistol, revolver, or other firearm capable of being concealed upon the person to a minor.~~

~~Existing law also prohibits a person, corporation, or firm from selling, loaning, or transferring a pistol, revolver, or other firearm capable of being concealed upon the person to a minor. A violation of these prohibitions is punishable by~~

~~imprisonment in the state prison or in a county jail not to exceed one year, or by a fine not to exceed \$1,000, or by both that fine and imprisonment.~~

~~This bill instead would make a violation of these prohibitions punishable by imprisonment in the state prison for 2, 3, or 4 years. By increasing the punishment for existing crimes, the bill would impose a state-mandated local program.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(5) This bill would incorporate additional changes in Sections 12071 and 12072 enacted by SB 23 (Ch. 178, Stats. 1995).~~

~~This bill would also incorporate additional changes in Sections 12071 and 12072 of the Penal Code proposed by SB 671, to be operative only if SB 671 and this bill are both enacted and become effective January 1, 1996, and this bill is enacted last.~~

~~Vote: majority $\frac{2}{3}$. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12004 is added to the Penal~~

2 *SECTION 1. Section 830.3 of the Penal Code is*
3 *amended to read:*

4 830.3. The following persons are peace officers whose
5 authority extends to any place in the state for the purpose
6 of performing their primary duty or when making an
7 arrest pursuant to Section 836 of the Penal Code as to any
8 public offense with respect to which there is immediate
9 danger to person or property, or of the escape of the
10 perpetrator of that offense, or pursuant to Section 8597 or
11 8598 of the Government Code. These peace officers may
12 carry firearms only if authorized and under those terms
13 and conditions as specified by their employing agencies:

1 (a) Persons employed by the Division of Investigation
2 of the Department of Consumer Affairs and investigators
3 of the Medical Board of California and the Board of
4 Dental Examiners, who are designated by the Director of
5 Consumer Affairs, provided that the primary duty of
6 these peace officers shall be the enforcement of the law
7 as that duty is set forth in Section 160 of the Business and
8 Professions Code.

9 (b) Voluntary fire wardens designated by the Director
10 of Forestry and Fire Protection pursuant to Section 4156
11 of the Public Resources Code, provided that the primary
12 duty of these peace officers shall be the enforcement of
13 the law as that duty is set forth in Section 4156 of that code.

14 (c) Employees of the Department of Motor Vehicles
15 designated in Section 1655 of the Vehicle Code, provided
16 that the primary duty of these peace officers shall be the
17 enforcement of the law as that duty is set forth in Section
18 1655 of that code.

19 (d) Investigators of the California Horse Racing Board
20 designated by the board, provided that the primary duty
21 of these peace officers shall be the enforcement of
22 Chapter 4 (commencing with Section 19400) of Division
23 8 of the Business and Professions Code and Chapter 10
24 (commencing with Section 330) of Title 9 of Part 1 of this
25 code.

26 (e) The State Fire Marshal and assistant or deputy
27 state fire marshals appointed pursuant to Section 13103 of
28 the Health and Safety Code, provided that the primary
29 duty of these peace officers shall be the enforcement of
30 the law as that duty is set forth in Section 13104 of that
31 code.

32 (f) Inspectors of the food and drug section designated
33 by the chief pursuant to subdivision (a) of Section 216 of
34 the Health and Safety Code, provided that the primary
35 duty of these peace officers shall be the enforcement of
36 the law as that duty is set forth in Section 216 of that code.

37 (g) All investigators of the Division of Labor Standards
38 Enforcement designated by the Labor Commissioner,
39 provided that the primary duty of these peace officers

1 shall be enforcement of the law as prescribed in Section
2 95 of the Labor Code.

3 (h) All investigators of the State Departments of
4 Health Services, Social Services, Mental Health,
5 Developmental Services, and Alcohol and Drug
6 Programs, the Department of Toxic Substances Control,
7 and the Office of Statewide Health Planning and
8 Development, and the Public Employees' Retirement
9 System, provided that the primary duty of these peace
10 officers shall be the enforcement of the law relating to the
11 duties of his or her department, or office.
12 Notwithstanding any other provision of law, investigators
13 of the Public Employees' Retirement System shall not
14 carry firearms.

15 (i) The Chief of the Bureau of Fraudulent Claims of
16 the Department of Insurance and those investigators
17 designated by the chief, provided that the primary duty
18 of those investigators shall be enforcement of Section 550
19 of the Penal Code.

20 (j) Employees of the Department of Housing and
21 Community Development designated under Section
22 18023 of the Health and Safety Code, provided that the
23 primary duty of these peace officers shall be the
24 enforcement of the law as that duty is set forth in Section
25 18023 of that code.

26 (k) Investigators of the office of the Controller,
27 provided that the primary duty of these investigators
28 shall be the enforcement of the law relating to the duties
29 of that office. Notwithstanding any other law, except as
30 authorized by the Controller, the peace officers
31 designated pursuant to this subdivision shall not carry
32 firearms.

33 (l) Investigators of the Department of Corporations
34 designated by the Commissioner of Corporations,
35 provided that the primary duty of these investigators
36 shall be enforcement of the provisions of law
37 administered by the Department of Corporations.
38 Notwithstanding any other provision of law, the peace
39 officers designated pursuant to this subdivision shall not
40 carry firearms.



1 (m) Persons employed by the Contractors' State
2 License Board designated by the Director of Consumer
3 Affairs pursuant to Section 7011.5 of the Business and
4 Professions Code, provided that the primary duty of these
5 persons shall be the enforcement of the law as that duty
6 is set forth in Section 7011.5, and in Chapter 9
7 (commencing with Section 7000) of Division 3, of that
8 code. The Director of Consumer Affairs may designate as
9 peace officers not more than three persons who shall at
10 the time of their designation be assigned to the special
11 investigations unit of the board. Notwithstanding any
12 other provision of law, the persons designated pursuant
13 to this subdivision shall not carry firearms.

14 (n) The chief and coordinators of the Law
15 Enforcement Division of the Office of Emergency
16 Services.

17 (o) Investigators of the office of the Secretary of State
18 designated by the Secretary of State, provided that the
19 primary duty of these peace officers shall be the
20 enforcement of the law as prescribed in Chapter 3
21 (commencing with Section 8200) of Division 1 of Title 2
22 of, and Section 12172.5 of, the Government Code.
23 Notwithstanding any other provision of law, the peace
24 officers designated pursuant to this subdivision shall not
25 carry firearms.

26 (p) The Deputy Director for Security designated by
27 Section 8880.38 of the Government Code, and all lottery
28 security personnel assigned to the California State
29 Lottery and designated by the director, provided that the
30 primary duty of any of those peace officers shall be the
31 enforcement of the laws related to assuring the integrity,
32 honesty, and fairness of the operation and administration
33 of the California State Lottery.

34 (q) Investigators employed by the Investigation
35 Division of the Employment Development Department
36 designated by the director of the department, provided
37 that the primary duty of those peace officers shall be the
38 enforcement of the law as that duty is set forth in Section
39 317 of the Unemployment Insurance Code.

1 Notwithstanding any other provision of law, the peace
2 officers designated pursuant to this subdivision shall not
3 carry firearms.

4 (r) The chief and assistant chief of museum security
5 and safety of the California Museum of Science and
6 Industry, as designated by the executive director
7 pursuant to Section 4108 of the Food and Agricultural
8 Code, provided that the primary duty of those peace
9 officers shall be the enforcement of the law as that duty
10 is set forth in Section 4108 of the Food and Agricultural
11 Code.

12 (s) *Employees of the Franchise Tax Board designated*
13 *by the board, provided that the primary duty of these*
14 *peace officers shall be the enforcement of the law as set*
15 *forth in Chapter 9 (commencing with Section 19701) of*
16 *Part 10.2 of Division 2 of the Revenue and Taxation Code.*

17 (t) Notwithstanding any other provision of this
18 section, a peace officer authorized by this section shall not
19 be authorized to carry firearms by his or her employing
20 agency until that agency has adopted a policy on the use
21 of deadly force by those peace officers, and until those
22 peace officers have been instructed in the employing
23 agency's policy on the use of deadly force.

24 Every peace officer authorized pursuant to this section
25 to carry firearms by his or her employing agency shall
26 qualify in the use of the firearms at least every six months.

27 *SEC. 2. Section 830.31 of the Penal Code is amended*
28 *to read:*

29 830.31. The following persons are peace officers
30 whose authority extends to any place in the state for the
31 purpose of performing their primary duty or when
32 making an arrest pursuant to Section 836 as to any public
33 offense with respect to which there is immediate danger
34 to person or property, or of the escape of the perpetrator
35 of that offense, or pursuant to Section 8597 or 8598 of the
36 Government Code. These peace officers may carry
37 firearms only if authorized, and under the terms and
38 conditions specified, by their employing agency.

39 (a) A safety police officer of the County of Los
40 Angeles, if the primary duty of the officer is the

1 enforcement of the law in or about properties owned,
2 operated, or administered by his or her employing
3 agency or when performing necessary duties with
4 respect to patrons, employees, and properties of his or her
5 employing agency.

6 (b) A person designated by a local agency as a park
7 ranger and regularly employed and paid in that capacity,
8 if the primary duty of the officer is the protection of park
9 and other property of the agency and the preservation of
10 the peace therein.

11 (c) ~~(1) A security peace officer of the Department of~~
12 ~~General Services of the City of Los Angeles designated by~~
13 ~~the general manager of the department, if the primary~~
14 ~~duty of the officer is the enforcement of the law in or~~
15 ~~about properties owned, operated, or administered by his~~
16 ~~or her employing agency or when performing necessary~~
17 ~~duties with respect to patrons, employees, and properties~~
18 ~~of his or her employing agency. Notwithstanding any~~
19 ~~other law, a peace officer designated by this subdivision~~
20 ~~shall not be authorized to carry firearms, except as~~
21 ~~provided in paragraph (2).~~

22 ~~(2) Notwithstanding paragraph (1), a peace officer~~
23 ~~designated by this subdivision may be authorized to carry~~
24 ~~firearms when a local emergency, as defined in~~
25 ~~subdivision (c) of Section 8558 of the Government Code,~~
26 ~~has been proclaimed pursuant to Section 8630 of the~~
27 ~~Government Code, and as provided in Chapter 3, Section~~
28 ~~8.29, of the Administrative Code of the City of Los~~
29 ~~Angeles. The authorization to carry firearms pursuant to~~
30 ~~this paragraph shall be approved by the mayor, and shall~~
31 ~~continue only while the local emergency remains in~~
32 ~~effect.~~

33 ~~(3) A peace officer designated by, and authorized to~~
34 ~~carry firearms pursuant to, this subdivision shall~~
35 ~~satisfactorily complete the introductory course of firearm~~
36 ~~training required by Section 832 and any crowd and riot~~
37 ~~control training prescribed by the Commission on Peace~~
38 ~~Officer Standards and Training, and shall requalify in the~~
39 ~~use of firearms every six months.~~

1 (d) A housing authority patrol officer employed by the
2 housing authority of a city, district, county, or city and
3 county or employed by the police department of a city
4 and county, if the primary duty of the officer is the
5 enforcement of the law in or about properties owned,
6 operated, or administered by his or her employing
7 agency or when performing necessary duties with
8 respect to patrons, employees, and properties of his or her
9 employing agency.

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12 **All matter omitted in this version of the**
13 **bill appears in the bill as amended in the**
14 **Assembly September 1, 1995 (JR 11)**
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